

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DEBRA ANN KIDD, )  
                        )  
Plaintiff,         )  
                        )  
v.                    )              CASE NO. 2:09-CV-554-WKW  
                        )  
FIRST UNITED SECURITY BANK, )  
*et al.*,             )  
                        )  
Defendants.         )

**ORDER**

Before the court is a Joint Stipulation of Dismissal Without Prejudice (Doc. # 37), filed by Plaintiff and Defendant Trans Union, LLC. The stipulation is construed as a motion for a court order of dismissal, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.<sup>1</sup> Upon consideration of the motion (Doc. # 37), it is ORDERED that the motion is GRANTED, and that all of Plaintiff's claims against Defendant Trans Union, LLC are DISMISSED without prejudice, with each party to bear her or its own costs, attorney's fees and expenses.

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<sup>1</sup> A request to dismiss an action requires a court order and dismissal by terms the court considers "proper" if Rule 41(a)(1) does not apply. Fed. R. Civ. P. 41(a)(2). Rule 41(a)(1) allows for dismissal without a court order: (i) before an opposing party serves either an answer or a motion for summary judgment; or (ii) if the joint stipulation of dismissal is signed by all of the parties who have appeared. Not all of the parties who have appeared in this action have signed the stipulation of dismissal, and Defendant Trans Union, LLC has filed an answer. (Doc. # 10.) Dismissal, thus, must be by motion. Fed. R. Civ. P. 41(a)(2).

There being no remaining claims in this action, the Clerk of the Court is DIRECTED to close this case.

DONE this 9th day of October, 2009.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE